



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/594,264	04/02/2007	Alex Mashinsky	5068-7PUS	1850
74098	7590	03/10/2011		
Chi Eng 43 Knight Road Wayne, NJ 07470-6572			EXAMINER KUDDUS, DANIEL A	
			ART UNIT 2164	PAPER NUMBER
			MAIL DATE 03/10/2011	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Office Action Summary**

Application No.

10/594,264

Applicant(s)

MASHINSKY, ALEX

Examiner

DANIEL KUDDUS

Art Unit

2164

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 15 September 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 25-50 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 25-50 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)         | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)         | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### **Continued Examination under 37 CFR 1.114**

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on September 15, 2010 has been entered

### **Objection**

2. Claims 25-50 are objected, because of the following reasons.

Claim 1, is method claim, however, the methods are not tied to a specific technology that can be used to execute the method. A technology (i.e. a processor) should be explicitly provided in the body of the claim to execute the steps in the method claims.

In claims 33, 35, 37 and 39 recites the limitations of “so as to” (e.g. claim 33, line 2), “so that” (e. g. claim 35, line 3) and “facilitate matching” (e,g, claim 39, line 3). The limitations of ‘so as to’, ‘so that’, and ‘facilitate’ is merely an intended use, which does not further limit the claimed invention.

In claim 35, recites the term “ranks it by priority”. The term “it” is not a proper to form a claim language.

Any claim not specifically addressed, above, is being objected as incorporating the deficiencies of a claim upon which it depends.

3. Specification is objected, because the claim recites limitations (e.g. NAICS/SIC) is not defined in the specification (see MPEP § 1.75).

**Claim Rejections-35 USC § 112**

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 39, 43, 44 and 46 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

- i) 'NAICS/SIC codes'—claim 39, line 2.
- ii) 'ranking directory' – claim 43, line 3.
- iii) 'predetermined destination' --- claims 44, line 3, claim 45, 1.
- iv) ' trigger for measuring conversion'--- claim 46, line 2.

More specifically, the above claim recites limitations does not appear to be described in the original specification in a way to reasonably explain to one skilled in the art. Examiner rejected these limitations for the purposes of applying prior art. In order to expedite the prosecution process of this present application, the examiner assumes that applicants will correct or delete the new matter issues.

Any claim not specifically addressed, above, is being rejected as incorporating the deficiencies of a claim upon which it depends.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 26 and 27 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claims 26 and 27, recites the limitation of “expressed interest” (e.g. claim 26, line 2) and “operatively connected” (e.g. claim 27, line 2). The limitations of ‘expressed interest’ and ‘operatively connected’ is indefinite and one of ordinary skill in the art would not reasonably appraised the scope of the claimed invention.

Any claim not specifically addressed, above, is being rejected as incorporating the deficiencies of a claim upon which it depends.

### **Claim Rejections- 35 USC § 102**

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 25-31, 33, 34, 36-39, 41, 42, 45 and 48-50 are rejected under 35 U.S.C. 102(b) as being anticipated by Himmel et al. (US 6,256,639 B1), hereinafter Himmel.

As for claim 25, Himmel teaches a computer-implemented method for exchanging newly added information over the internet, comprising the steps of: receiving by an information exchange information uploaded from information sources, the information exchange being configured for receiving information and a user profile over the Internet, the user profile being provided by a user (see column 6, line 9-14, the browser can be configured so that a newly

served bookmark set automatically becomes the active bookmark set in the browser), receiving and storing by the information exchange a search query as a query in a system database, which is used for retrieving the uploaded information pertaining to the query (see abstract, a search query from a client containing a set of keywords is received, the stored bookmark sets are searched for one or more bookmark sets associated with at least one keyword matching a keyword from the search query), continually monitoring at the information exchange to determine whether any newly uploaded information has been added to the information exchange by the information sources (see column 6, line 22-25, the bookmark set is created at workstation and uploaded to the bookmark set server), determining at the information exchange whether the newly uploaded information from the information sources matches the query; and (see column 3, line 2-6, a list of bookmark sets which satisfy the query, i.e. are associated with matching keywords, are returned to the client browser), upon receipt of the newly uploaded information by the information exchange that matches the query, sending, over the Internet, to the user a message relating to the matched newly uploaded information (see column 5, line 24-40, in the internet, a web server accepts a client request and returns a response back to the client...decode a message to get the actual client request).

As for claim 26, Himmel teaches further comprising the step of sending to the user the matched newly uploaded information based on the user's expressed interest in receiving the newly uploaded information (see column 7, line 57-67).

As for claim 27, Himmel teaches wherein the information exchange and the user are operatively connected via one of a computing device, server or web agent (**see column 3, line 34-41**).

As for claim 28, Himmel teaches wherein the user includes a subscriber (**see column 2, line 51-52, subscribe to receive automatically updates to a selected bookmark set**).

As for claim 29, Himmel teaches wherein the information exchange attaches to the matched newly uploaded information additional information including at least one of advertisement, competitive information, and complimentary information from third parties based on the query or the user profile (**see column 8, line 42-44, user profile information could be collected as part of starting an account, authorization or subscription process. Given the client identifier, such information can be correlated to the current bookmark set search**).

As for claim 30, Himmel teaches wherein the additional information includes a link to a file or the file for display on a device of the user (**see column 5, line 17-23**).

As for claim 31, Himmel teaches wherein when the new uploaded information matches the query, the information exchange activates one of web services, custom application, and notifications (**see column 6, line 55-57**).

As for claim 33, Himmel teaches wherein the information exchange aggregates two or more users into one or more interest groups, customer profiles and spending levels so as to allow selective notification and pricing of information to said users (**see column 10, line 52-55**).

As for claim 34, Himmel teaches further comprises a search engine linked to the information exchange to provide additional query results based on information uploaded from other users (**see column 6, line 15-21**).

As for claim 36, Himmel teaches wherein the query is combined with information provided by the user's computing device, web service, or the search engine used including advertisements stored in an ad database (**see column 6, line 39-43, column 8, line 11-16**).

As for claim 37, Himmel teaches wherein the information exchange synchronizes the user's storage device so that the user is continuously provided with the newly updated information (**see column 10, line 9-14**).

As for claim 38, Himmel teaches wherein the information exchange receives a list of the newly updated information or changes to the uploaded information (**see column 6, line 9-14**).

As for claim 39, Himmel teaches wherein the list of the newly updated information or changes may be organized under standard NAICS/SIC codes or use XML headers for



Art Unit: 2164

classifications to facilitate matching of the newly uploaded information to the query (**see column 4, line 55-59, e.g. XML will be used in the browsers of the future**).

As for claim 41, Himmel teaches wherein the information exchange validates the user and controls content delivery to the user and administering user preferences and rights to access the uploaded information using a controller (**see column 3, line 5-9, a selected bookmark set, the selected bookmark is served to the client. The selected bookmark set is received and used by the client browser to access the set of URLs in the selected bookmark set**).

As for claim 42, Himmel teaches wherein the information exchange, using a text search and parse engine, conducts searches against a text index and database search entries in an index and counter module (**see column 7, line 19-35**).

As for claim 45, Himmel teaches wherein the predetermined destination includes an internal web-log, external email, web agents, communication devices and/or servers (**see column 6, line 4-14**).

As for claim 48, Himmel teaches wherein the information source includes another user (**see column 10, line 10-14**).

As for claim 49, Himmel teaches wherein the message includes at least one of an alert, a URL link, and a data file (**see column 2, line 60-65**).

As for claim 50, Himmel teaches wherein the query is a static query (see column 7, line 1-7).

### **Claim Rejections - 35 USC § 103**

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 32, 35, 40, 43, 44, 46 and 47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Himmel (US 6,256,639 B1) and further in view of Crandall et al. (US 6,321,228 B1), hereinafter, Crandall.

Himmel discloses the claimed invention as detailed above in the previous paragraph. Himmel do not explicitly teach all of the limitations of claims 14, 21 and 24. Himmel in view of Crandall teaches such limitations.

As for claim 32, Crandall teaches wherein the information exchange indexes and ranks the uploaded information received from the information sources (see Crandall, column 3, line 5-9, store URL records corresponding to the bookmark web page in the rank database, and to track and rank the URL records based on the bookmarking activity on the associated web site).

Therefore, it would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains to have modified the teaching of Himmel by applying the teaching of Crandall for a system that enables internet users

Art Unit: 2164

to access selected records retrieved from result sets that are derived from earlier search queries. Thus, when the user submits a search query to the system, it returns selected records from the collection and rank databases, in addition to other related web sites from the internet (see Crandall, column 2, line 10-30).

As for claim 35, Himmel in view of Crandall teaches wherein the information exchange creates an internal link and tagging system for all information processed through the information exchange and ranks it by priority and relevance so that a data tree on any topic is created and is accessible by the user (see **Himmel, column 6, line 39-43; Crandell, column 3, line 5-9**)).

As for claim 40, Himmel in view of Crandall teaches wherein the uploaded information is received by a message logic flow module of the information exchange, which determines the source, content, priority, size, relevance and uniqueness of the uploaded information (see **Crandell, column 3, line 5-9; Himmel, column 6, line 15-21**)).

As for claim 43, Himmel in view of Crandall teaches wherein results of the searches are provided to a prioritization engine which uses the query stored in a query directory of an exchange database to rank the results of the searches based on rankings stored in a ranking directory (see **Crandell, column 3, line 5-9**)).

As for claim 44, Himmel in view of Crandall teaches wherein the prioritization engine forwards the results of the searches to a message engine which packages the search results with

advertisements stored in an ad registry of the exchange database to a predetermined destination (see **Crandell, column 3, line 5-9, see Himmel, column 6, line 4-14**).

As for claim 46, Himmel in view of Crandall teaches wherein the advertisements are embedded with codes including at least one of complex tags, links and triggers for measuring conversion rates and cost per new order (see **Himmel, column 5, line 17-23; see Crandell, column 3, line 34-45**).

As for claim 47, Himmel in view of Crandall teaches further combining the query with information provided by the user's computing device, web service, or search engine used and translating the query into a complex query based on at least one of the user profile, other previously entered user information and a ranking of search results for access by the information exchange (see **Crandell, column 3, line 5-9, see Himmel, column 6, line 4-14**).

### **Response to Arguments**

7. Applicant's remarks and arguments presented on September 15, 2010 have been fully considered but they are moot in view of the new grounds of rejection presented in this office action.

### **Conclusion**

8. Any inquiry concerning this communication or earlier communication from the examiner should be directed to Daniel A Kuddus whose telephone number is (571) 270-1722. The

Art Unit: 2164

examiner can normally be reached on Monday to Thursday 8.00 a.m.-5.30 p.m. The examiner can also be reached on alternate Fridays from 8.00 a.m. to 4.30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor Charles Rones can be reached on (571) 272-4085. The fax phone number for the organization where this application or processing is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from the either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Daniel Kuddus

Date: 03/04/11

/Charles Rones/

Supervisory Patent Examiner, Art Unit 2164

Application/Control Number: 10/594,264  
Art Unit: 2164

Page 13